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FM AMEMBASSY CARACAS
TO RUEHC/SECSTATE WASHDC PRIORITY 2873
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY
RUEHWH/WESTERN HEMISPHERIC AFFAIRS DIPL POSTS PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUMIAAA/HQ USSOUTHCOM MIAMI FL PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 000443

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HQSOUTHCOM ALSO FOR POLAD
DEPARTMENT PASS TO AID/OTI (RPORTER)

E.O. 12958: DECL: 04/06/2029
TAGS: [PHUM](#) [KDEM](#) [PGOV](#) [VE](#)
SUBJECT: PRO-CHAVEZ COURT SENTENCES POLICE COMMISSIONERS TO
30 YEARS

REF: A. 08 CARACAS 00515
[1](#)B. 08 CARACAS 00514
[1](#)C. 08 CARACAS 00073
[1](#)D. 07 CARACAS 00147 AND PREVIOUS

CARACAS 00000443 001.2 OF 002

Classified By: POLITICAL COUNSELOR FRANCISCO FERNANDEZ
FOR REASON 1.4 (D)

[1](#)1. (C) Summary. A pro-Chavez court handed down harsh sentences on April 3 ending the politically motivated trial of three former Caracas police commissioners and eight other police officers charged with the deaths of pro-Chavez supporters during an April 2002 coup attempt. Former Caracas Metropolitan Police Commissioners Ivan Simonovis, Henry Vivas, and Lazaro Forero were each sentenced to 30 years in prison. Of the eight police officers charged, seven were found guilty and were given sentences of 3-30 years. The accused have long been considered enemies of Chavez and have been mentioned in US Human Rights Reports as political prisoners. Their sentences contrasts to the amnesty governing Chavez supporters who were caught on video firing at the crowds of anti-Chavez demonstrators. This decision, combined with recent jailing and corruption charges against opposition leaders, marks the most aggressive actions taken by Chavez against the opposition since coming into power. End Summary.

PRO-CHAVEZ COURT PUNISHES POLICE

[1](#)2. (SBU) The politicized trial of three former Caracas Metropolitan Police commissioners and eight police officers ended on April 3 in a stunning defeat for Venezuela's beleaguered human rights community. The ex-commissioners were accused of ordering Caracas police officers to fire on pro-Chavez supporters during the events of April 11, 2002 that temporarily removed Chavez from office. Former Caracas metropolitan police chief Henry Vivas, former deputy chief Lazaro Forero, and then security chief for the city government Ivan Simonovis, were each sentenced to 30 years in prison. The men were convicted of being accomplices to murder of two pro-Chavez demonstrators and accomplices to the attempted murder and wounding of 29 others during 2002 clashes between pro-Chavez supporters and opposition protesters.

[1](#)3. (C) The pro-Chavez judge, Marjorie Calderon, handed down equally harsh sentences to the eight rank and file police officers involved in preventing clashes between during the

2002 coup attempt. Of the eight police officers charged, seven were found guilty and were given sentences ranging from 3-30 years. One police officer was acquitted. Local media reports claim that Yesenia Fuentes, a member of the pro-government Association of April 11 Victims said she was pleased with the sentence. Fuentes opined, "It set a precedent" there won't be a police officer who messes with a Venezuelan citizen and doesn't go to jail."

HUMAN RIGHTS COMMUNITY CLAIMS POLITICAL PERSECUTION

14. (C) Family members of the defendants have vowed to continue to fight to exonerate their loved ones and were quick to claim their innocence immediately following the judge's verdict. The verdicts follow four years of detention, an apparent violation of a Venezuelan law requiring the release of the suspects if not convicted in two years, numerous trial delays, and a politicized decision in January 2008 not to extend a December 2007 amnesty decree to the accused (REFTELS). During a radio interview on April 3 vice-president of the Catholic Conference of Bishops (CEV), Monsignor Baltazar Porras referred to verdict by saying, "This is a black and sad day for Justice in Venezuela." The accused have long been considered enemies of Chavez by members of the human rights community and opposition leaders alike, and have been repeatedly mentioned in US Human Rights Reports as political prisoners.

15. (C) The charges stem from an opposition march led by police during the civil unrest on April 11, 2002. As the march approached a pro-Chavez demonstration in Caracas, shots were fired resulting in several deaths and multiple injuries. Both supporters of Chavez and opposition protesters were

CARACAS 00000443 002.2 OF 002

killed or injured in the civil unrest that ensued. While pro-Government supporters claim police fired upon the crowd, opposition supporters blame the violence on the national guard and claim Chavez supporters were actually shooting at the police from a nearby bridge. Note: Film footage of the disturbance implicated pro-Chavez supporters in the shooting, however due to the December 2007 amnesty decree pro-Chavez supporters were never held responsible for their involvement in the deaths. End Note.

16. (SBU) Media reports that Defense lawyer Jose Luis Tamayo condemned the sentence, calling it "A trophy for President Chavez." Tamayo claimed that prosecutors used photographs of several officers holding guns rather than forensic evidence linking them to the killings. Immediately following the verdict Tamayo argued, "They've convicted a big group of Venezuelan citizens here without proof... the prosecutors didn't prove the metropolitan police's weapons were fired." Nubia Vivas, a sister of the former police chief told reporters, "I expected this sort of sentence because this is a political trial."

17. (C) Comment. The opposition is calling the verdicts the clearest case yet of what they call the "escalation of the judicialization of politics." While Chavistas welcome the verdict as a sign of justice for those killed or injured during the attempted coup, opposition circles bemoan the slow death of Venezuelan democracy in light of the April 2 arrest of former Defense Minister General Raul Baduel, the upcoming trial of opposition Mayor Manuel Rosales, and the Friday verdict against the police commissioners. While the families of the sentenced are trying to maintain the story in the media, the opposition has called for Venezuelans to come out and protest on April 13, after the Holy Week holiday. With the judicial system completely under Chavez's control, he has made clear his willingness to harass, detain, and selectively jail any political opponents regardless of the validity of the charges. End Comment.

CAULFIELD